

## United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO. FILING DATE		ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
10/810,455	-	03/27/2004	Jacob N. Gust	13911	9335	
25542	7590	02/07/2005		EXAMINER		
CNH AME			MAMMEN, NATHAN SCOTT			
INTELLECTUAL PROPERTY LAW DEPARTMENT PO BOX 1895, M.S. 641				ART UNIT	PAPER NUMBER	
NEW HOLL	V HOLLAND, PA 17557 3671					
				DATE MAILED: 02/07/200	ς .	

Please find below and/or attached an Office communication concerning this application or proceeding.

	-	Application No.	Applicant(s)					
		10/810,455	GUST ET AL.	1				
	Office Action Summary	Examiner	Art Unit					
		Nathan S Mammen	3671					
Period fo	The MAILING DATE of this communication or Reply	appears on the cover sheet	with the correspondence address	s				
THE - Exte after - If the - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR RE MAILING DATE OF THIS COMMUNICATIC nsions of time may be available under the provisions of 37 CFI SIX (6) MONTHS from the mailing date of this communication a period for reply specified above is less than thirty (30) days, a period for reply is specified above, the maximum statutory pere to reply within the set or extended period for reply will, by streply received by the Office later than three months after the med patent term adjustment. See 37 CFR 1.704(b).	N. R 1.136(a). In no event, however, may reply within the statutory minimum of t riod will apply and will expire SIX (6) Mi atute, cause the application to become	a reply be timely filed hirty (30) days will be considered timely. ONTHS from the mailing date of this commur ABANDONED (35 U.S.C. § 133).	nication.				
Status								
1)	Responsive to communication(s) filed on _	•						
2a)	This action is <b>FINAL</b> . 2b)⊠ 1	This action is non-final.						
3)□	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Dispositi	on of Claims							
5)□ 6)⊠ 7)□	Claim(s) 1-10 is/are pending in the applicat 4a) Of the above claim(s) is/are withe Claim(s) is/are allowed. Claim(s) 1-10 is/are rejected. Claim(s) is/are objected to. Claim(s) are subject to restriction an	drawn from consideration.						
Applicati	on Papers							
· · ·	The specification is objected to by the Exam	niner.						
	The drawing(s) filed on is/are: a) a		o by the Examiner.					
	Applicant may not request that any objection to	the drawing(s) be held in abey	ance. See 37 CFR 1.85(a).					
11)[	Replacement drawing sheet(s) including the cor The oath or declaration is objected to by the							
Priority u	ınder 35 U.S.C. § 119							
12) [ ] a)[	Acknowledgment is made of a claim for fore  All b) Some * c) None of:  1. Certified copies of the priority documents.  Certified copies of the priority documents.  Copies of the certified copies of the priority documents.  Copies of the certified copies of the priority documents.  Event Market State	ents have been received. ents have been received in priority documents have been eau (PCT Rule 17.2(a)).	Application No en received in this National Stag	e				
2) Notice 3) Inform	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449 or PTO/SB/ No(s)/Mail Date 03/27/04.	Paper No	v Summary (PTO-413) o(s)/Mail Date f Informal Patent Application (PTO-152)	ı				

Application/Control Number: 10/810,455 Page 2

Art Unit: 3671

## **DETAILED ACTION**

## Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,715,893 to Houck.

The Houck '893 patent discloses an agricultural seeder having a wheel supported main frame (22), first (40) and second (41) elongated wings, a plurality of seeders mounted on the wings (see col. 2, line 37, and col. 6, line 66 – col. 7, line 2), a first (35) and second (36) elongated support arms pivotally connected at one end to the main frame and at the other end to the center of the wings, and first (158) and second (159) hydraulic cylinders. The hydraulic cylinders move the wings between a raised (Fig. 9), transport position and a lowered (Fig. 5) working position. Since the hydraulic cylinders are a part of a conventional hydraulic control unit, the cylinders operate in unison, as is inherent with conventional hydraulically controlled winged implements. In the working position, the wings follow the ground contours. See col. 6, lines 10-12.

## Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Application/Control Number: 10/810,455 Page 3

Art Unit: 3671

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Mammen whose telephone number is (703) 306-5959. The examiner can normally be reached Monday through Thursday from 6:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at (703) 308-3870. The fax number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-1113.

Supervisory Patent Examiner

**Group 3600** 

NSM 2/1/05

Nathan S. Mammen